

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA

v.

DALE LOWERY

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§

CASE NO. 6:08cr9

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

By order, the undersigned referred this matter to the Honorable John D. Love, United States Magistrate Judge, at Tyler, Texas, for administration of a guilty plea under Rules 11 and 32 of the Federal Rules of Criminal Procedure. Judge Love conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and the Honorable John D. Love issued his *Report and Recommendation of the United States Magistrate Judge* [Clerk's doc. #35]. The Magistrate Judge recommended that the Court accept Defendant's guilty plea and conditionally accept his plea agreement. He further recommended that the undersigned finally adjudge Defendant as guilty on **Count One** of the **Indictment** filed against Defendant in this cause.

The parties have not objected to the magistrate judge's findings. The Court is of the opinion that the *Report and Recommendation* should be accepted. It is accordingly **ORDERED** that the *Report and Recommendation* [Clerk's doc. #35] of the United States Magistrate Judge are **ADOPTED**. Defendant's guilty plea and the plea agreement are conditionally **ACCEPTED** by the Court at this time.

It is further **ORDERED** that, in accordance with Defendant's guilty plea and the magistrate judge's findings and recommendation, Defendant Dale Lowery, hereby adjudged as **GUILTY** on **Count One** of the charging **Indictment**, conditioned upon the Court's final acceptance of the guilty plea and plea agreement at sentencing.

SIGNED this 24th day of April, 2008.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE